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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 XOOM CORPORATION, a California
Corporation,

13 Plaintiff,

14 vs.

15 MOTOROLA TRADEMARK HOLDINGS,
16 LLC, a Delaware Limited liability company,
MOTOROLA MOBILITY, INC., a Delaware
17 corporation, and MOTOROLA MOBILITY
HOLDINGS, INC., a Delaware corporation,
18 and DOES 1 through 10, inclusive,

19 Defendants.
20

Case No. 11-CV-00848 (CRB)

**STIPULATION AND ~~PROPOSED~~
ORDER AMENDING SCHEDULING
ORDER**

21 Pursuant to the Northern District of California Local Rules 6-2 and 7-12, the parties,
22 Plaintiff Xoom Corporation ("Plaintiff") and Defendants Motorola Trademark Holdings, LLC,
23 Motorola Mobility, Inc. and Motorola Mobility Holdings, Inc. (collectively, "Defendants"),
24 hereby stipulate that good cause exists to request an order extending the present October 1, 2012
25 fact discovery deadline by 90 days, and to adjust all subsequent deadlines accordingly.

26 Specifically, the parties state that:

- 27 1. Plaintiff's complaint against Defendants in this case arises under the Lanham Act,
28

15 U.S.C. §§ 1114(1) and 1125(a)(1) for trademark infringement and unfair competition, and under California statutory and common law.

2. Pursuant to this Court's Order referring the case to mediation, the parties participated in a mediation in San Francisco on March 9, 2012, in an attempt to resolve their dispute amicably and before the parties spent additional time and effort on litigation. While the parties did not resolve their dispute on March 9, 2012, they continue to discuss settlement.

3. Since the mediation, the parties have exchanged, and are still responding to, multiple sets of written discovery, and the parties continue to review and/or produce thousands of pages of documents in response to the written discovery requests.

4. Further, the parties are still identifying key witnesses based on the responses to written discovery, and the document review/production(s), which are not yet complete. The parties are also working to schedule depositions of individuals and parties that reside in California and Illinois.

5. The parties have given serious thought to the tasks that remain in order to continue in their efforts to complete all fact and expert discovery in this case, and have agreed that an extension of all discovery deadlines, as well as the dates for dispositive motion briefing, is necessary as set forth below:

EVENT	DATES PER JUNE 12 ORDER	PROPOSED DATES
Fact Discovery Deadline	October 1, 2012	January 11, 2013
Deadline for Expert Reports	October 31, 2012	February 15, 2013
Deadline for Rebuttal Reports	December 4, 2012	March 15, 2013
Expert Discovery Deadline	January 4, 2013	April 12, 2013
Dispositive Motions Filed	January 29, 2013	May 3, 2013
Pretrial Conference and Trial	To be set by Court after consideration of dispositive motion	To be set by Court after consideration of dispositive motion

6. The parties have only sought one other extension of time in this case to date, which the Court granted on June 12, 2012.

7. The parties do not seek this extension for the purpose of delay. The limited modification to the scheduling order will not have an effect on any pre-trial and trial dates as the Court has yet to schedule these dates.

WHEREFORE, the parties respectfully request that this Honorable Court issue an order granting the parties an extension of time and deadlines to the current discovery and dispositive motion schedule as set forth in the attached [Proposed] Order.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 11, 2012

Dated: September 11, 2012

PLAINTIFF XOOM CORPORATION

DEFENDANTS MOTOROLA TRADEMARK HOLDINGS, LLC, MOTOROLA MOBILITY, INC., and MOTOROLA MOBILITY HOLDINGS, INC.

By /s/ Rochelle D. Alpert
Rochelle D. Alpert
One of its attorneys

By /s/ Kristin J. Achterhof
Kristin J. Achterhof
One of its attorneys

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[PROPOSED] ORDER

This stipulation among Plaintiff Xoom Corporation and Defendants Motorola Trademark Holdings, LLC, Motorola Mobility, Inc. and Motorola Mobility Holdings, Inc., having been brought before the Court by the parties to modify their prior Stipulation and Scheduling Order dated June 12, 2012, is hereby ORDERED such that the dates and deadlines adopted by the Court in its prior Order are amended and extended as set forth in the schedule below:

EVENT	DATES PER JUNE 12 ORDER	[PROPOSED] DATES
Fact Discovery Deadline	October 1, 2012	January 11, 2013
Deadline for Expert Reports	October 31, 2012	February 15, 2013
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Pretrial Conference and Trial	To be set by Court after consideration of dispositive motion	To be set by Court after consideration of dispositive motion

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Sept. 13, 2012

The Honorable
UNITED STATES

